



**Will County Land Use
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Article 10 LEGAL FRAMEWORK

10-01 TITLE

The official title of this ordinance is the “Subdivision Ordinance of Will County, Illinois.” For convenience, it is referred to throughout as the “subdivision ordinance.”

10-02 EFFECTIVE DATE

This ordinance shall become effective upon date of execution by all necessary governmental entities.

10-03 AUTHORITY

This subdivision ordinance is adopted pursuant to the powers granted and limitations imposed by Illinois law, expressly including the statutory authority conferred by Chapters 55 and 765 ILCS.

10-04 APPLICABILITY

The regulations of this subdivision ordinance apply to any subdivision of land made within the unincorporated area of Will County, as provided by Illinois Compiled Statutes.

10-05 PURPOSES

This subdivision ordinance is adopted for the purposes of:

- 10-05-A. Protecting and promoting the public health, safety and general welfare;
- 10-05-B. Implementing adopted plans and policies, specifically the *Will County Land Resource Management Plan (2002)*;
- 10-05-C. Enhancing residents’ quality of life;
- 10-05-D. Promoting environmentally responsible development practices;
- 10-05-E. Conserving, protecting, and enhancing property values;
- 10-05-F. Facilitating the provision of adequate public facilities and improvements;
- 10-05-G. Maintaining a range of housing choices and options;
- 10-05-H. Providing for orderly growth and development;
- 10-05-I. Safeguarding the public against flood damage, soil erosion, and sedimentation;
- 10-05-J. Prescribing reasonable rules and regulations governing subdividing and platting;
- 10-05-K. Establishing clear and efficient procedures for the preparation, submission, approval and recordation of subdivision plats; and
- 10-05-L. Providing remedies for violations and reasonable means of enforcing the subdivision ordinance.

10-06 MINIMUM REQUIREMENTS; COMPLIANCE WITH OTHER APPLICABLE REGULATIONS

- 10-06-A. The provisions of this subdivision ordinance are the minimum requirements deemed necessary to carry out the subdivision ordinance’s stated purpose and intent.
- 10-06-B. In addition to the requirements of the subdivision ordinance, all uses and development must comply with all other applicable municipal, County, state, and federal regulations.
- 10-06-C. All references in the subdivision ordinance to other municipal, County, state, or federal regulations are for informational purposes only and do not constitute a complete list of

such regulations. These references do not imply any responsibility for the County to enforce municipal, state, or federal regulations unless they are required to do so by law.

10-07 MINIMUM STANDARDS

The regulations and standards of this subdivision ordinance are to be considered the minimum requirements for subdivisions and subdivision improvements.

10-08 CONFLICTING PROVISIONS

10-08-A. CONFLICTS WITH STATE OR FEDERAL REGULATIONS

If the provisions of this subdivision ordinance are inconsistent with those of the state or federal government, the more restrictive provision will control, to the extent permitted by law. The more restrictive provision is the one that imposes greater restrictions or more stringent controls.

10-08-B. CONFLICTS WITH OTHER COUNTY REGULATIONS

If the provisions of this subdivision ordinance are inconsistent with one another, or if they conflict with provisions found in other adopted ordinances or regulations of the County, the more restrictive provision will control, to the extent permitted by law. The more restrictive provision is the one that imposes greater restrictions or more stringent controls.

10-08-C. CONFLICTS WITH PRIVATE AGREEMENTS AND COVENANTS

This subdivision ordinance is not intended to interfere with, abrogate or annul any easement, covenant, deed restriction, or other agreement between private parties. The County does not enforce or maintain a record of private agreements.

10-09 SEVERABILITY

If any portion of this subdivision ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, that portion is to be deemed severed from the subdivision ordinance, and in no way affects the validity of the remainder of the subdivision ordinance.

Article 11 GENERAL RULES OF LANGUAGE AND INTERPRETATION

11-01 MEANINGS AND INTENT

The language of the subdivision ordinance must be read literally. Regulations are no more or less strict than stated. Words defined in Article 60 (Definitions) have the specific meaning assigned, unless the context expressly indicates another meaning. Words that are not defined in Article 60 have the meaning given in the latest edition of Merriam-Webster's *Unabridged Dictionary*.

11-02 TENSES AND USAGE

- 11-02-A. Words used in the singular include the plural. The reverse is also true.
- 11-02-B. Words used in the present tense include the future tense. The reverse is also true.
- 11-02-C. The words "must," "will," "shall," and "may not" are mandatory.
- 11-02-D. The word "may" is permissive, and "should" is advisory, not mandatory or required.
- 11-02-E. When used with numbers, "up to X," "not more than X," and "a maximum of X" all include X.

11-03 CONJUNCTIONS

Unless the context otherwise clearly indicates, conjunctions have the following meanings:

- 11-03-A. "And" indicates that all connected items or provisions apply; and
- 11-03-B. "Or" indicates that the connected items or provisions may apply singularly or in combination.

11-04 FRACTIONS

The following rules apply to fractional number unless otherwise expressly stated.

11-04-A. MINIMUM REQUIREMENTS

When a regulation is expressed in terms of a minimum requirement, any fractional result of 0.5 or more must be rounded up to the next consecutive whole number. For example, if a minimum requirement calling for one (1) tree to be provided for every thirty (30) linear feet of frontage is applied to a 50-foot dimension, the resulting fraction of 1.67 is rounded up to two (2) required trees.

11-04-B. MAXIMUM LIMITS

When a regulation is expressed in terms of maximum limits, any fractional result will be rounded down to the next lower whole number. For example, if a maximum limit of one (1) dwelling unit for every 5,000 square feet is applied to a 13,750 square foot lot, the resulting fraction of 2.75 is rounded down to two (2) (allowed dwelling units).

11-05 HEADINGS AND ILLUSTRATIONS

Headings and illustrations are provided for convenience and reference only and do not define or limit the scope of any provision of this subdivision ordinance. In case of any difference of meaning or implication between the text of this subdivision ordinance, and any heading, drawing, table, figure, or illustration, the text controls.

11-06 REFERENCES TO OTHER REGULATIONS

All references in the subdivision ordinance to other County, state, or federal regulations are for informational purposes only, and do not constitute a complete list of such regulations. These references do not imply any responsibility by the County for enforcement of County, state, or federal regulations.

11-07 CURRENT VERSIONS AND CITATIONS

All references to regulations, plans, and studies refer to the most current version and citation for those regulations, unless otherwise expressly stated. When the referenced documents have been repealed and not replaced by other regulations, plans, or studies, subdivision ordinance requirements for compliance will be interpreted as applying to the last adopted version of the referenced regulation, plan, or study.

11-08 LISTS AND EXAMPLES

Unless otherwise expressly indicated, lists of items or examples that use “including,” “such as,” or similar terms are intended to provide examples only. They are not to be construed as exhaustive lists of all possibilities.

11-09 DELEGATION OF AUTHORITY

Whenever a provision appears requiring the head of a department or another officer or employee of the County to perform an act or duty, that provision will be construed as authorizing the department head or officer to delegate that responsibility to others over whom they have authority.

11-10 PUBLIC OFFICIALS AND AGENCIES

All employees, public officials, bodies, and agencies to which references are made are those of Will County unless otherwise expressly stated.

11-11 COMMENTARIES

Commentaries are sometimes included in the subdivision ordinance as a means of clarifying certain provisions or providing supplemental information. Text marked as “Commentary” has no regulatory effect. It is intended solely as a guide for administrative officials and the public. Commentaries may be added to the subdivision ordinance by the Will County Board or the Will County Board’s Plat Committee without the need for a formal ordinance amendment.

Commentary: When commentaries are provided, they will appear in this manner.

Article 12 TRANSITIONAL PROVISIONS

12-01 APPLICATIONS SUBMITTED BEFORE THE EFFECTIVE DATE

Complete applications that are pending approval before the effective date must be reviewed and approved in accordance with the subdivision ordinance in effect immediately before the effective date. Incomplete applications filed before the effective date will not be reviewed until they are complete. Once complete, the application must be reviewed and approved in accordance with the subdivision regulations in effect at the time that the application is deemed complete.

12-02 FINAL PLATS APPROVED BEFORE THE EFFECTIVE DATE

Any development for which a final plat was approved before the effective date, may be completed in conformance with the approved final plat and other applicable permits and conditions applicable at the time the original final plat was approved, even if such development does not fully comply with provisions of this subdivision ordinance. If construction is not commenced and diligently pursued within the time allowed under the original final plat approval or any extension granted, then the development must be constructed, completed, and occupied only in accordance with the standards of this subdivision ordinance.

12-03 VIOLATIONS CONTINUE

Any violation of the previous subdivision ordinance will continue to be a violation under this subdivision ordinance and be subject to penalties and enforcement under Article 51 (Violations and Penalties). If the use, development, construction, or other activity that was a violation under the previous ordinance complies with the express terms of this subdivision ordinance, enforcement action will cease, except to the extent of collecting penalties for violations that occurred before the effective date specified in Section 10-02. The adoption of this subdivision ordinance does not affect nor prevent any pending or future prosecution of, or action to abate, violations of the previous ordinance that occurred before the effective date specified in Sec. 10-02.

12-04 APPLICATIONS SUBMITTED ON OR AFTER THE EFFECTIVE DATE

All development applications completed on or after the effective date, must be reviewed under the terms of this subdivision ordinance.

